

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

<b>UNITED STATES OF AMERICA,</b>	)	
<b>v.</b>	)	<b>Criminal No. 1:21-cr-260-02 LMB</b>
<b>JAIRO AGUILERA SAGASTIZADO,</b>	)	
<b>et al.</b>	)	
<b>Defendants.</b>	)	

**DEFENDANT MARVIN MENJIVAR GUTIERREZ'S  
MOTION TO ADOPT CO-DEFENDANT AREVALO'S MOTION TO  
DISMISS INDICTMENTS**

COMES NOW Defendant, Marvin Menjivar Gutierrez, and moves this Court, in the interests of efficiency and judicial economy, for leave to allow him to adopt the following co-defendant motion:

Defendant Arevalo's Motion to Dismiss Indictments (Dkt. 680; sealed).

In addition to arguments provided within said motion, and arguments provided by co-defendant counsel in support of Motions to Adopt previously filed, Mr. Menjivar notes the following in support of said Motion to Dismiss. The statements made by Guevara (Blue) to Vasquez Reyes as specified in the Motion to Dismiss were made at a point that was closer in time to the double homicide, and under circumstances that would deem them virtually unbiased. At the time, they were made to a friend (according to the Government's theory - a fellow clique member), who allegedly assisted Blue with providing him with a grinder to destroy the murder weapon. Under those circumstances, there would be no discernible reason for Blue to lie to Vasquez Reyes.

Later, Blue made a decision to cooperate with the Government which would provide a clear motive for bias. His statements then ostensibly changed, and became consistent with the Government's theory of the case, and supported cooperating witness Molina's changed statements with regard to the double homicide (Molina initially confessed to the double homicide and later recanted as a Government cooperator). Thus, the unavailability of Vasquez Reyes is even more significant under these circumstances.

For all the reasons provided in the previously filed supportive pleadings and those explained herein, Mr. Menjivar is also significantly prejudiced by the loss of opportunity to attack the credibility of the two vital cooperating Government witnesses. He thus asks the Court to dismiss the Indictments against him.

Respectfully submitted,

MARVIN MENJIVAR GUTIERREZ  
By Counsel

\_\_\_\_\_/s/\_\_\_\_\_  
Mark Petrovich  
Virginia Bar No. 36255  
Counsel for the Defendant  
PETROVICH & WALSH, P.L.C.  
10605 Judicial Drive, Suite A-5  
Fairfax, Virginia 22030  
Phone: (703) 934-9191  
Fax: (703) 934-1004  
Email: [mp@pw-lawfirm.com](mailto:mp@pw-lawfirm.com)

Manuel E. Leiva  
THE LEIVA LAW FIRM, P.L.C.  
Counsel for the Defendant  
3955 Chain Bridge Road  
2nd Floor  
Fairfax, Virginia 22030  
[\(703\) 352-6400](tel:(703)352-6400)  
[\(703\) 352-5226](tel:(703)352-5226) Fax  
[mleiva@leiva-law.com](mailto:mleiva@leiva-law.com)

**CERTIFICATE OF SERVICE**

I hereby certify that on or before the 10<sup>th</sup> day of December, 2023, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

John C. Blanchard  
Maureen Cain  
Matthew K. Hoff  
Assistant United States Attorneys  
Attorney for the United States  
United States Attorney's Office  
2100 Jamieson Avenue  
Tel: 703-299-3700  
Fax: 703-299-3980  
John.blanchard@usdoj.gov  
Maureen.cain@usdoj.gov  
[Matthew.hoff2@usdoj.gov](mailto:Matthew.hoff2@usdoj.gov)

\_\_\_\_\_/s/\_\_\_\_\_  
Mark Petrovich  
Virginia Bar No. 36255  
Counsel for the Defendant  
PETROVICH & WALSH, P.L.C.  
10605 Judicial Drive, Suite A-5  
Fairfax, Virginia 22030  
Phone: (703) 934-9191  
Fax: (703) 934-1004  
Email: mp@pw-lawfirm.com